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CRITERIA OR GUIDELINES FOR CONSIDERATION OF REQUESTS FOR THE RESTORATION OF VOTING RIGHTS

Recommendation by the Board of Governors

1. At its 41st regular session, the General Conference requested the Board of Governors to develop, for acceptance by the Conference in 1998, criteria or guidelines which should govern future consideration of requests for the restoration of voting rights of Member States in arrears in the payment of their financial contributions to the Agency (GC(41)/DEC/8.C). Subsequently, at its meeting on 6 October 1997, the Board agreed to establish an open-ended Informal Working Group for this purpose and subsequently, on 9 December 1997, appointed Ambassador Abderrahim Benmoussa of Morocco as Chairman of the Working Group.

2. After widespread consultations by the Chairman both with Member States and with the Secretariat and after extensive deliberations by the Working Group, the Working Group produced a consensus paper which was considered by the Board at its meeting on 11 June 1998. As a result, the Board agreed to recommend to the General Conference the following criteria or guidelines to be used in future consideration of requests by Member States for the restoration of voting rights:

(a) Provision in a timely fashion of factual and well documented evidence/information by the affected Member State that it had serious financial difficulties in obtaining revenues and in meeting its domestic and international financial obligations, because, inter alia, of situations described below;

(b) Provision of factual and well documented evidence/information through the UN Humanitarian Assistance Coordinator that the affected Member State had been stricken by a natural or technological disaster that had resulted in loss of lives, property and infrastructures of such magnitude that the concerned Government had to seek international and multilateral assistance to meet its economic and social difficulties. The same to apply to Member States experiencing a critical situation because of, inter alia, civil wars, international conflicts, riots, refugee upheavals and food emergency crises;

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(c) Appreciation by the General Committee of the extent to which the affected Member State could be regarded as responsible for the alleged conditions beyond its control under Article XIX.A of the Statute;

(d) The duration for which the Member State has accumulated arrears equalling or exceeding the amount of the contributions due for the preceding two years;

(e) The frequency of requests for restoration of voting rights by the affected Member State;

(f) Provision of evidence that the affected Member State had actually transferred a partial amount of the arrears, which had not been received by the Agency, or similarly a minimum due, the payment of which would take the applicant below the critical threshold, within the sense of Article XIX.A;

(g) Indication of the specific measures taken by the affected Member State to wipe out its arrears (eg. by a schedule of proposed payments).

3. Further, the Board agreed to recommend to the General Conference the following procedural rules and practice, related to early notification to Member States who risk losing their voting rights as well as to written explanations presented by defaulting Member States who experience situations beyond their control, in order to facilitate the consideration of requests for the restoration of voting rights:

(a) circulation by the Secretariat of early notification to all Member States who risk to lose their voting rights, at least two months in advance of the General Conference and a reminder to them three weeks before the General Conference;

(b) submission by applicant Member States of written explanations preferably at least 15 days in advance, without prejudice to requests submitted later on to the General Committee; and

(c) circulation by the Secretariat of requests/applications for the restoration of voting rights at least one week prior to the opening of the General Conference.

RECOMMENDATION BY THE BOARD TO THE GENERAL CONFERENCE

The Board of Governors recommends that the General Conference adopt the criteria and guidelines to be used in future consideration of requests for the restoration of voting rights, as well as the procedural rules and practices related to early notification to Member States in arrears, as set out in paragraphs 2 and 3 above.